

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.)
)
JULIAN VALDEZ-ARAGON,)
)
Defendant.)
_____)

Case No.: 2:10-cr-00089-GMN-LRL

ORDER

Before the court is the Government's Motion for Clarification (ECF No. 81) regarding the Court's previous Order (ECF No. 79) which granted Petitioner Julian Valdez-Aragon's Motion to Preserve Forensic Records (ECF No. 73).

Petitioner Julian Valdez-Aragon submitted a Supplement (ECF No. 80) which included a letter from Shannon Merges, Quality Manager of the Las Vegas Metropolitan Police Department Forensic Laboratory. (ECF No. 80 at p. 13). The letter from Ms. Merges stated that the records sought by Valdez-Aragon were not public record and could not be provided to him "without a subpoena pursuant to an Order from the Court allowing discovery."

The Government's Motion for Clarification is **GRANTED in part**, and **DENIED in part**, as follows:

1. The Court, having found in its previous Order (ECF No. 79) that the Petitioner has met his burden to establish good cause, pursuant to Rule 6(a) Governing Section 2255 Proceedings, hereby authorizes Petitioner Valdez-Aragon to conduct discovery, to obtain the copies of the logbook and all the forensic reports for the analysis of the controlled substance seized in this case, *aka* Event Number 100215-3558, by the Las Vegas Metropolitan Police Department Forensic Laboratory.

2. The Clerk of Court is ordered to provide a subpoena to Petitioner Julian Valdez-Aragon so that he may obtain records from the Las Vegas Metropolitan Police Department Forensic Laboratory as discovery in the case.

3. Petitioner Julian Valdez-Aragon will have until **Monday, March 17, 2014** to file a Second Supplement to his Motion to Vacate under 28 U.S.C. 2255 (ECF No. 70).

4. The Government will have thirty (30) days from the date of Petitioner's filing to file its Supplemental Response.

DATED this 7th day of February, 2014.

Gloria M. Navarro, Chief Judge
United States District Court